

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2413870
Decision Date:	01/31/2025	Hearing Date:	January 13, 2025
Hearing Officer:	Stanley M. Kallianidis		

Appellant Representative:



MassHealth Representative:

Lori Vanzile, Quincy



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Approved	Issue:	Excess Assets
Decision Date:	01/31/2025	Hearing Date:	January 13, 2025
MassHealth Rep.:	Lori Vanzile	Appellant Rep.:	[REDACTED]
Hearing Location:	Quincy		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Notice dated July 14, 2024 was sent to the appellant stating that MassHealth had denied his application for MassHealth benefits due to excess assets (Exhibit 1). The appellant filed this appeal on September 5, 2024 and, therefore, it is timely (see Exhibit 2 and 130 CMR 610.015). A denial of MassHealth benefits is grounds for appeal (130 CMR 610.032).

The appellant had died on [REDACTED] and the scheduling of the hearing was postponed so that a personal representative of the appellant's estate could be requested and obtained. The request for the appointment was made on June 25, 2024 and it was obtained on November 19, 2024 (Exhibits 1 & 2).

On December 10 and December 17, 2024 hearing notices were sent out to the parties (Exhibits 3 & 4)

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits due to excess assets.

Issue

Pursuant to 130 CMR 520.006, were the appellant's assets in question inaccessible to him?

Summary of Evidence

The MassHealth representative testified that the appellant's March 21, 2024 application was denied due to excess assets. The appellant is requesting a MassHealth start date of January 31, 2024. The countable assets included approximately \$500.00 in bank accounts and \$4,300.00 in a [REDACTED] IRA (Exhibit 5).

The MassHealth representative explained that on July 14, 2024 a notice was sent to the appellant stating that MassHealth had denied his application for MassHealth benefits due to excess assets of \$2,800.00. She stated that after the appellant died on [REDACTED] the appellant's IRA was no longer a countable asset because it belonged to the beneficiary, but when the appellant was alive it was countable and accessible. Therefore, the appellant is over the asset limit for the period that he is seeking MassHealth long-term care benefits (Exhibit 5).

The appellant's estate's personal representative testified that she has no access to the appellant's IRA. The assets have since passed on to the beneficiary and she has no legal right to these funds. She also stated that there was no way for her to spend down the assets when he was alive because she was not appointed as the personal representative of his estate until well after the appellant had died.

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant applied for MassHealth March 21, 2024 and requested a MassHealth start date of January 31, 2024 (Exhibit 5).
2. The appellant died on [REDACTED] (Exhibit 1).
3. On July 14, 2024 a notice was sent to the appellant stating that MassHealth had denied his application for MassHealth benefits due to excess assets of \$2,800.00 (Exhibit 1).
4. The countable assets included approximately \$500.00 in bank accounts and \$4,300.00 in a

██████████ IRA (Exhibit 5).

5. A request for a personal appointment for the appellant's estate was made on June 25, 2024 and it was obtained on November 19, 2024 (Exhibits 1 & 2).
6. The appellant's estate did not have legal access to his IRA funds after he died as they belonged to his beneficiary (testimony).

Analysis and Conclusions of Law

Pursuant to 130 CMR 520.003(A): The total value of countable assets owned by or available to an individual applying for or receiving MassHealth Standard, Family Assistance or Limited may not exceed \$2,000.00.

520.006: Inaccessible Assets

(A) Definition. An inaccessible asset is an asset to which the applicant or member has no legal access. The MassHealth agency does not count an inaccessible asset when determining eligibility for MassHealth for the period that it is inaccessible or is deemed to be inaccessible under 130 CMR 520.006.

(B) Examples of Inaccessible Assets. Inaccessible assets include, but are not limited to (1) property, the ownership of which is the subject of legal proceedings (for example, probate and divorce suits); and (2) the cash-surrender value of life-insurance policies when the policy has been assigned to the issuing company for adjustment.

In the instant case, the record shows that on July 14, 2024 the appellant was denied MassHealth long-term care benefits due to excess assets. The countable assets included approximately \$500.00 in bank accounts and \$4,300.00 in a ██████████ IRA. The bank accounts were not an issue as they were below the \$2,000.00 asset threshold for an individual. This leaves the question of whether or not his IRA was an accessible asset to him and thus countable.

I conclude that the IRA must be considered an inaccessible asset while he was alive and seeking MassHealth given the that the appellant did not receive his July 14, 2024 excess asset letter notifying him that he must spend down his IRA in order to be financially eligible for MassHealth until after his June 9, 2024 death. Further, it remains inaccessible and non-countable after his death because the estate's personal representative who was not appointed until November 19, 2024 has no legal access to these funds as they have since passed to his beneficiary.

Accordingly, the appeal is approved as the appellant countable assets were below \$2,000.00 as of his MassHealth request date through his date of death.

Order for MassHealth

Approve appellant's application if otherwise eligible.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings at the address on the first page of this decision.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

Quincy MEC

[REDACTED]

[REDACTED]